

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Amendment of Part 97 of the Commission's     )  
Amateur Radio Service Rules to Permit         )   WT Docket 16-239  
Greater Flexibility in Data Communications     )

COMMENTS

A majority of Commenters, including myself, supports the FCC's tentative decision declining to impose an enumerated bandwidth against RTTY and data emissions as requested by the Petitioner behind RM-11708 that spawned this NPRM.

DISCUSSION

Petitioner, ARRL, is a small, non-profit leisure activity association whose main interests include publishing a hobbyist magazine and related literature. Recent federal filings with the U.S. Postal Service indicate the company has drawn subscriptions from approximately 20 percent of U.S. Amateur licensees.

Petitioner at the present time is also responsible for representing all U.S. Amateur licensees at the International Amateur Radio Union, a panel of volunteers that makes non-binding suggestions to the International Telecommunications Union.

Petitioner, in previous domestic proceedings before the FCC (e.g. RM-11306), consistently failed to generate support for its internal agenda that has called for enumerated bandwidth as an alternate means of segregating the various modes and activities in Amateur Service shortwave allocations ("HF").

Comments in this latest proceeding continue to dispute any value in abandoning the existing, accepted method of arraying signals in our mixed-mode allocations. ***The FCC is correct in affirming that a bandwidth-based system of segregation is not necessary.***

## BACKGROUND

Petitioner fails to understand the sentiment among active, concerned licensees who assert that a technical specification cannot achieve good behavior among operators. Yet, that seems to be the basis in the instant case motivating ARRL's bandwidth proposal.

The Regulations provide no guarantee that hobbyist communications shall be free of interference, and in fact, the agency has urged licensees to settle their own sandbox squabbles in ways that respect incompatible activities in a Least Restrictive Environment.

The Regulations already provide enforcement mechanisms for signal purity and against deliberate interference. Thus, it becomes a matter of dynamic frequency selection and listen-before-transmit behavior to minimize friction among operators in our mixed-mode service.

One of the beneficiaries of this Notice of Proposed Rule Making would be a data service called WinLink. It is a store-and-forward, automated messaging service that has not proven itself to be a good steward during its probationary appearance on the HF bands.

More than ten years ago, WinLink developer Steve Waterman, K4CJX, told me in a phone call recorded with his permission for airing on the hobbyist bulletin service Newsline, that he had ordered his users to disable a "listen-before-transmit" protocol on their automated stations. He told me too many people who were against this use of hobbyist frequencies were deliberately creating signals that inhibited the use of WinLink.

The result has been a history of interference that bystanders cannot identify and address in a good-natured way of resolving. His system has no listen-before-transmit function anticipated by the FCC as a way to mitigate problems.

ARRL comes now suggesting a bandwidth limitation, apparently to constrain the damage these signals cause against communications by ear, among humans, as part of the hobby of Amateur Radio.

## OTHER MATTERS

Before bandwidth, a more fundamental question is whether WinLink, and any similar automated data messaging services, should be allowed in our hobby at all. For now, these automated stations have come on the air without clear enforcement against interference and inappropriate message content.

Petitioner, whose licensed operating station W1AW does not appear to have any direct WinLink involvement, may be advocating its proposal as a way to validate these stations as having a legitimate spot on the dial.

The FCC should be cautious against unwittingly providing such an endorsement of automated stations as this proceeding moves to a conclusion. Eventually, a regulatory test may be needed regarding the continued presence of automated stations in the Amateur Service.

ARRL was forced to withdraw a more comprehensive attempt at segregation-by-bandwidth (RM-11306 of 11/14/2005) after an overwhelming response Opposed among Comments filed into the FCC's Public Record. Of the more than 2,000 Comments, those expressing a clear opinion Opposed outnumbered by more than 5:1 the number of those in support.

Yet Petitioner, despite an unambiguous response against that proposal, concurrently pushed a bandwidth-based, non-binding "band plan" before the International Amateur Radio Union, possibly placing its status in doubt as the representative "Member Society" on behalf of U.S. licensees. The IARU's bylaws call for action when a representative group does harm to its constituents.

ARRL's failure at IARU to represent the will of U.S. licensees has not been resolved; it is important for the FCC to consider because Petitioner is chronically at odds with active, concerned licensees as it struggles to push its segregation-by-bandwidth internal agenda.

## CONCLUSION

ARRL, a group that holds less than a quarter of U.S. licensees, has now taken an inordinate amount of the FCC's time repeatedly raising the group's misguided segregation-by-bandwidth agenda.

Although the group should continue to be allowed to file Petitions and try to explain itself to FCC staff in ex-parte meetings, please send a message in your deliberations that the issue of using enumerated bandwidth to regulate operating behavior will not be acceptable.

As licensees, we certainly have tried to make that crystal clear.

Respectfully,

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